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No. 82-1584

IN THE SUPREME COURT OF THE UNITED STATE

October Term, 1983

No. _____.

BOYD VEENKANT, per se,
Petitioner,

-vs-

ROBERT WESLER, et al.,
Respondents.

PETITION FOR A WRIT OF CERTIORARI

To the Supreme Court of the United States
* * Oral Argument Requested * *
from

U.S. Court of Appeals, Sixth Circuit
Were all Respondents Defaulted.

BOYD VEENKANT, per se,
P.O. BOX 115
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ALLEN J. LEWIS
KELLY L. PAGE
CASS E. DOMBROWINSKI
WILLIAM C. BUHL, per se
Of Counsel

QUESTION PRESENTED

Were under 28 § 1343. Civil rights and elective franchise (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or aid in preventing any wrongs mentioned in section 1986 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, or

dinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights,

In this Court case, District Ct. Judge Buhl, handed out a Court Order to this Petitioner to Amend his Complaint and name all Board of Director's of Stoney's Ford Sales, Inc., and after this Petitioner complied to the Court Order, Judge Buhl refused to let the Summons and Complaint to be served upon Defendant, Roland Wester. This Act is a Civil rights Act under Public Law 90-284

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90th Congress, "§ 245. Federally protected activities under "(2)"(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

Therefore when the hearing was called, this Petitioner gave District Court Judge Buhl, a "notice" of a fact, that this Petitioner would no longer argue his case before Judge Buhl and didn't.

Therefore anything said or carried out thereafter is void.

This Court case covered 'breach of sales contracts', being State statutes being violated and Judge Buhl's act was a Federal statute. Therefore this Petitioner filed his Court complaint in U.S. District Court for the Western District of Michigan, under 28 § 1343 as is allowed to be done?

PARTIES TO THE PROCEEDING

The parties to this proceeding are BOYD and JESSIE VEENKANT (husband & wife), per se, and the respondents were ROBERT, SUSAN, ROLAND WESLER'S, GEORGE R. DOMBROWSKI, CHARLES "CHUCK" MARLOW, WILLIAM C. BUHL, who defaulted after filling their answer to the U.S. District Court and appearing at the hearing called.

The respondents have defaulted to file a answer with the U.S. Court of APPEALS, Sixth Circuit under FRCP Rule 55. Default (a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default. Yes, this plaintiff filed his affidavit of the amount with the clerk to enter the judgment.

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37, 45.

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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

No.

BOYD VEENKANT, per se,
Jessie Veenkant
(husband & wife)

Petitioner,

VS.

(All Defaulted)

ROBERT Wesler, Susan Wesler,
George R. Dombrowski, Roland Wesler,
Charles "Chuck" Marlow, William C. Buhl,

Respondents.

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE UNITED STATES
from

THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT.

The Petitioner, Boyd & Jessie Veenkant, per se, respectfully pray that a writ of certiorari issue to review the order's of the United States Court of

Appeals, Sixth Circuit interred in this proceeding on March 28 and May 3, 1983.

OPINION BELOW.

The opinion of the U.S. District Court refers only to purchasing one car when it was two new cars. Further states, just because Stoney's Ford Sales, Inc., closed out the business, doesn't free them of liability covering this Court case.

Further states, Boyd Veenkant in proper., drafted his own complaint and at the first hearing called, Judge Buhl handed down a Court Order (being a State statute) that Boyd Veenkant had to name all Board members of Stoney's Ford Sales, Inc., beyond what he had, beside having to add Jessie Veenkant's name to this Amended Complaint and done within so many days and it was complied to. Then Judge Buhl refused to let Board Member Roland Wesler's Summons and Complaint be served.

This was in violation of Plaintiff's Civil Rights, under Pub.Law 90-284 "§245. Federally protected activities, under "(2) "(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

The opinion totally leaves this out.

It states he still failed to state a claim against the individual officers.

This is fraud, because they were charged with breaching a sales contract, which is a civil Rights act.

The opinion goes on and states, at the pretrial conference, plaintiff announced that he was disqualifying Judge Buhl. What this Plaintiff said was, he refused to argue this case before Judge Buhl, because he refused to allow Roland Wesler's Summons and Complaint to be served. This ended right then Judge Buhl's

right to this Court case, and anything Judge Buhl said or did thereafter is void.

But this opinion states, the precipitating event involved the judge's request for payment of the jury fee, being fraud.

The opinion further states, "Subsequently, the entire case was dismissed for failure to prosecute. Being void.

The opinion goes on and states, this action was initiated against all the state court defendants and Judge Buhl. Plaintiff seeks damages for alleged violations of §§ 1983, 1985, 1986 "Tort" and breach of contract.

Honoral Court, the U.S. District Court complaint stated "Breach of Sales Contract"; "CIVIL RIGHTS ACT and or Law"; Also U.S. Code, Title 42, Sec. 1988.

That U.S. District Ct. Judge Gibson, is and was , discriminating this Petitioners "CIVIL RIGHTS", both State & Federal.

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ORDER below.

The ORDER dated March 28, 1983 by the U.S. COURT OF APPEALS, SIXTH CIRCUIT, The appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. After examination of the record (NOTICE- a defrauding record) and plaintiffs' brief, this panel agrees unanimously that oral argument is not needed. (discriminating this Petitioners rights to argue the fraud within the U.S. District Courts OPINION and this Petitioners Constitutional Rights.)

Goes on and states- Having carefully examined the district court record (Yes, a defrauding record) and plaintiffs' brief, this Court concludes the district court did not err in its disposition of this case.

Accordingly, for the reasons stated in the district court memorandum entered

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August 2, 1982, the order of the district court is hereby affirmed,

REMARK: Memorandum, a short written statement of the terms of an agreement, contract, or transaction. This is again discriminating this Petitioners "CIVIL RIGHTS

ORDER Dated May 3, 1983.

This Court finds it misapprehended no question of law or fact in its order entered March 28, 1983.

It is, therefore, ORDERED that the motion for reconsideration be and it hereby is, denied.

ENTERED BY ORDER OF THE COURT
JOHN P. HEHMAN
Clerk.

REMARK: Discriminating this Petitioners "CIVIL RIGHTS".

JURISDICTION.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit was entered

on May 3, 1983, and this petition for certiorari was filed within 90 days of that date.

This Court's jurisdiction is invoked under 28 U.S.C., Section 1343, Civil Rights Act's below stated.

§§ 1983, 1985(3), 1986, 1988 and under Title 18., Amendments-V, XIV, & VU., and Constitutional "Bill of Rights"., Public Law 90-284, "§ 245"(2)"(B), and "(5)" (c) "Law enforcement officer.", Rule 55. Default.

STATUTORY PROVISIONS INVOLVED

1. 28 U.S.C., Section 1343, CIVIL RIGHTS ACT'S.

(a) Public Law 90-284"(5)"(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and etc.

(b)"(2)"(B) participating in or enjoying any benefit, service, privilege,

program, facility or activity provided or administered by any State or subdivision thereof; (this cover's Judge Buhl in refusing the Summons & Complaint to be served upon Roland Wesler, after Judge Buhl handed out the CT. Order, that all Board of Directorys of Stoney's Ford Sales, Inc. had to be named as defendants in this Court case.)

2. State of Michigan, and Federal Statutes covering this case.

(a)- State Statutes, Breach of Sales Contracts covering two new cars, under new car warranty's, which would cover the leaving of the oil filter block loose and damaging the motor to the Club wagon and being a trailer package vehicle. Also the new car paint warranty to the same car. Also the breaching of the sales contract to prepare and repaint this same car.

Then Breaching the Sales Contract to

fully rustproof this same new car---

"The vehicle has been treated with a high quality rustproofing material applied by a professional technician. Operate your vehicle with the security of knowing the critically susceptible areas, hidden from view, have been protected against the corrosive elements

NOTICE: This should be a unprecedented Court case.

Federal statutes+

(a) U.S. Code, Title 42, Section 1983:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State, subjects, or causes to be subjected, any citizen of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party in-

injured in an action at law, suit in equity, or other proper proceeding for redress.

(b) U.S.C. § 1985: If two or more persons...conspire...for the purpose of depriving...any person...of the equal protection of the laws...the party so injured or deprived may have an action for the recovery of damages. (Pub. Law 90-284"(2)"(B) refusing Roland Wesler's Summions & Complaint to be served.)

(c) U.S.C. §1986: Every person who, having knowledge that any of the wrongs..are about to be committed, and having power to prevent or aid in preventing the commission of the same neglects or refuses so to do... shall be liable....

(d) U.S.C. § 1988: The jurisdiction in civil and criminal matters con-

ferred on the district courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced... in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

STATEMENT OF THE CASE

The District Court dismissed the Plaintiff's Complaint, when at pretrial Plaintiff applied the fifth amendment to the Federal Constitution and the fourteenth amendment; to this Court case. To have the District Court and being U.S. Fed. Judge Benjamin F. Gibson, hand down a defaulting number of statements covering this court case complaint and even

with intent, to point out this Plaintiff was seeking damages covering his civil rights act, which expressly gives the District Court Jurisdiction, no matter how imperfectly the claim is stated, under U.S.C. § Sec. 1988. And further admitted Plaintiff seeks damages for alleged violations of U.S.C. §§ 1983, 1985, & 1986, and stated 'breach of contract' in place of "Breach of Sales Contract" in refusing to hear this Plaintiff's Complaint and claim, filed under the civil rights act under U.S.C. §§ 1983, 1985(3), 1986, & 1988 and instead dismissed this civil rights act case, by a defaulting OPINION, and ORDER. Further states, all the named Defendant-Appellees, under Federal Rule 55. Defaulted. (a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend

as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

(b) Judgment. Judgment by default may be entered as follows:

(1) By the Clerk. When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if he has been defaulted for to appear and if he is not an infant or incompetent person. These defendants were not infants or incompetent persons.

Honorable Supreme Court, these named Defendant-Appelles, did fail to plead or otherwise defend as provided by Federal Rule 55. Default. That this plaintiff's claim against these Defendants-

Appellees in defaulting to plead or otherwise to defend as provided by these rules, the U.S. Court of Appeals Court, Clerk did not allow the Default Judgment.

But instead, referred it to a panel of the Court pursuant to Rule ((a), Rules of the Sixth Circuit. It was this panel's agreement not to allow this Plaintiff-Appellant his oral argument as requested and upheld the district courts memorandum entered August 2, 1982.

Honorable Supreme Court, here is a Civil Rights Act, were a State of Michigan, District Judge, handed down a Court Order, that this Plaintiff had to name all Board of Directors of Stoney's Ford Sales, Inc., as Defendant's and after this Plaintiff did comply to this Judges Court Order, the Judge refused to allowed the Summons & Complaint to be served on Roland Wesler. Then the

Fed. U.S. District Court and Judge Gibson refused to hear a claim under the civil rights act, which expressly gives to the District Court Jurisdiction, when U. S.C. § 1988 is applied, as well as §§ 1983, 1985(3), & 1986 and then for Fed. U.S. District Court Judge Gibson to draft up such a defrauding OPINION and to have these three paneled Judges to base it's 'opinion' upon this district court's "memorandum" entered August 2, 1982, is not only 'Discriminating this Petitioners Civil Rights', but "The Bill of Rights was provided as a BARRIER, to protect this Petitioner against arbitrary exactions of majorities, executives, legislatures, courts, sheriffs, and prosecutors, and it is the primary distinction between democratic and totalitarian processes." STANDLER - Supreme Court of Florida en banc, 36 so 2d 443, 445 (1948).

REASONS FOR GRANTING THE WRIT.

1. The State of Michigan ,District Court Judge, handed down a Court Order, which is a Michigan statute and covered by U.S.C. § 1983. Then after the Plaintiff complied to this Court Order, the Judge stopped the Summons & Complaint covering Roland Wesler, under this Court Order from being served. Which is covered under Pub. Law 90-284 "§ 245. Federally protected activities and U.S.C. § 1986, were Judge Buhl having knowledge that a wrong had been committed, and having power to prevent or aid in preventing the commission of the same, did neglect and did refuse so to do, when Judge Buhl stopped this Summons and Complaint to be served upon Roland Wesler. Then in carrying out this act, let Roland, Robert , and Susan Wesler's all flee the State of Michigan, to evade prosecution for

Breaching Sales Contracts, along with the other named Defendants. The two new car warranty's covering rustproofing had been applied by a professional technician and to operate your vehicle with the security of knowing the critically susceptible areas, hidden from view, have been protected against the corrosive elements, when only wholes were drilled and were not rust-proofed as claimed. The warranty covers this new Club wagon, being a trailer package vehicle and delivering it with a loose oil filter block and pumping the oil out unto the ground and running the new car with no oil in the motor. Causing not only the motor to burn quite a lot of oil, but damaging the motor bearings and crankshaft bearings, as well as piston rings and many other parts, losing oil pressure, which is far from where it should be. Then refusing to co-

ver. the new car paint warranty. That when this Petitioner entered the Sales contract covering the painting of this club wagon, paint was sprayed over unprepared rusted places, instead of sanding and under coating it, before painting it. This is getting money under false pretenses. That breaching Sales Contracts, is a civil rights act, which is a State of Michigan statute and covered by U.S.C.

~~as~~ 1983, 1985(3), 1986, & 1988.

2. "A plaintiff need not pursue his state remedies before instituting a 1983 action." Monroe v. Pape, 365 US 167 (1961)

"To maintain an action under (42 USC) 1983, it is not necessary to allege or prove that the defendants intended to deprive Plaintiff of his Constitutional rights or that they acted willfully, purposely, or in furtherance of a conspiracy... it is sufficient to establish that

the deprivation...was the natural consequences of Defendants acting under the color of law..." Ethridge v. Rhodes, DC Ohio 268 F Supp 83 (1967), Whirl v. Kern, CA 5 Texas 407 F 2d 781 (1968), Ury v. Santee, DC Ill, (1969).

"In a 42-1983 action, the allegations of the Complaint and the inferences to be drawn therefrom, upon a motion to dismiss, must be taken most favorably to the Plaintiff." Nanez v. Ritger, DC Wis. 304 F Supp 354 (1969).

"Disobedience or evasion of a Constitutional mandate may not be tolerated, even though such disobedience may... promote in some respects the best interests of the public." Slote v. Bd. of Examiners, 274 N.Y. 367; 2 NE 2d 12; 112 ALR 660. (See also Watson v. Memphis, 375 US 526; 10 L Ed 529; 83 S Ct 1314.)

"It is the duty of the courts to be

watchful for the CONSTITUTION RIGHTS of the citizen, against any stealthy encroachments thereon." Boyd v. U.S., 116 US 616, 635, (1885).

" A claim under the civil rights act expressly gives the District Court Jurisdiction, no matter how imperfectly the claim is stated." Harmon v. Superior Ct of the State of California, 307 F 2d 79-6, CA 9 (1962)

"A complaint may not be dismissed on motion if it states some sort of claim, baseless though it may proved to be and inartistically as the complaint may be darwn. This is particularly true where the Plaintiff is not represented by counsel." Brooks v. Pennsylvania R Co., 91 F Supp 101 DC SD NY (1950).

"Judges have no immunity from prosecution for their judicial acts." Bradley v. Fisher, 13 Wall (80 U.S.) 335, 20 L

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Ed 646 58 F 2d 949.

" A judge is not immune from criminal sanctions under the civil rights act."
ExParte Virginia, 100 US 339 (1879).

"The language and purpose of the civil rights acts, are inconsistent with the application of common law notions of official immunity.." Jacobsen v. Henne , CA 2 NY 335 F 2d 129, 133 (1966). (See also Anderson v. Nosser, CA 5 Miss 428 F 2d 183 (1971).

"Governmental immunity is not a defense under (42 USC 1983) making liable every person who under color of State law deprives another person of his civil rights." Westberry v. Fisher, DC Me. 309 F Supp 95 (1970)

MEANING OF "PERSON"

56 L Ed 2d 895

ANNOTATION

SUPREME COURT'S VIEWS AS TO MEANING OF

TERM "PERSON," AS USED IN STATUTORY OR
CONSTITUTIONAL PROVISION.

BY

Athena Mueller, M.A., LL.B., J.D., LL.M

I. Prefatory Matters

§ 2. Summary. The Supreme Court has enu-
nciated general principles regarding the
status of various entities as "person" f-
-or the purpose of the provisions of the
Fifth Amendment, and of the equal protec-
-tion and due process clauses of the Fou-
rteenth Amendment, to the United States
Constitution.

§ 4. (b) Corporation as person , In Gro-
sjean v. American Press Co.(1936) 297 U
S 233, 80 L Ed 660, 56 S Ct 444.

§ 5 (b) Corporation as person . First
Nat. Bank v. Bellotti (1978) 435 US 765,
55 L Ed 2d 707, 98 S Ct 1407, reh den (
US) 57 L Ed 2d 1150, 98 S Ct 3126.

§ 9. Civil Rights Act of 1871. In Monel-

-1 v. Department of Social Services (1978) 436 US 658, 56 L Ed 2d 611, 98 S Ct 2018, held that a city, its mayor, its department of social services, the department's commissioner in his official capacity, the city's board of education, and the board's chancellor in his official capacity, were all "persons" subject to liability under 42 USCS § 1983- which imposes civil liability on "every person" who, under color of state law, deprives another of rights, privileges, or immunities guaranteed by the Constitution or laws- and thus were not immune from being sued under § 1983.

3. The Decision in the U.S. District Court comes under Pub.Law 90-284, refusing as a 'law enforcement officer' to lawfully carry out the duties of the office and joined the conspiracy to protect the State and Federal statutes this Petition-

er has been subjected to.

4. The Decision Below Raises Significant violation of this Petitioners Civil Rights Act, which gives the District Court Jurisdiction, no matter how imperfectly the claim is stated. This stopped "Due process"... A law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. (16 Am Jur 2d Sec. 546)

5. The Decision Below violated this Petitioners right to his Seventh Amendment right of the jury to determine the law as well as the facts remains unimpaired. State v. Croteau, 23 Vt 14, 54 AM DEC 90 (1849)

6. The Opinion drafted up by U.S. District Court Judge and for the U.S. Court of Appeals to base it's decision on, was intentional deception to cause this Petitioner to give up some lawful

right. One, being a jury trial; Second, being 'Due process of law'; Third, the right to exhibit the evidences.

7. The Decision Below by the U.S. Ct. of Appeals, to use this Opinion drafted up to intentional deceive to cause this Petitioner to give up some lawful right by the U.S. District Court Judge is violation of this Petitioners Civil Rights.

"Where rights secured by the Constitution are involved, there can be no rule making which would abrogate them."

Miranda v. Arizona, (U.S. Supreme Ct)
384 US 436, 16 L ed 694, 86 S Ct 1602.

8. The Decision Below by the U.S. Ct. of Appeals by Opinion and Order to dismiss this Court case after the Defendants under F.R.C.P. Rule 55. Default.

(a) Entry. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise

defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default. (b) Judgment. Judgment by default may be entered as follows: (1) By the Clerk. When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if he has been defaulted for failure to appear and if he is not an infant or incompetent person. Yes, the following took place, but the Clerk did not enter a judgment, but instead filed a Opinion and Order to dismiss this Petitioners Court case. "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights."

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Sherar v. Cullen, 481 F 2d 946 (1973).

Petitioner states, a fraud is a crime.

This Petitioner believe the time has come for this Court to end the violations of this Petitioners Bill of Rights and his Civil Rights. The Opinion and Order by the U.S. District Court Judge needs attention covering the fraud.

Likewise covering the U.S. Court of Appeals for baseing it's Opinion and Order, based upon this fraud drafted into the District Court's Opinion.

Finally, the Defendants did default and failed to plead or otherwise defend as provided by F.R.C.P. Rule 55. Default . Making no pleadings or otherwise with the U.S. Court of Appeals.

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the U.S. District

Court Judges intentional deception to cause this Petitioner to give up property or some lawful right. Also as a 'law enforcement officer' refusing to carry out the duties of his office, when this case had applied U.S. Code, Title 42, Section 1988, besides this case covered State of Michigan statutes, as well as Federal statutes and deprived this Petitioner of his rights, privileges, or immunities secured by the Constitution and laws, covered under U.S. Code, Title 42, Section 1983.

Respectfully submitted,

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Defendants Defaulted FRCP Rule 5(a)
Of Counsel

A
In the
STATE OF MICHIGAN
IN THE DISTRICT COURT FOR THE Co. of
VAN BUREN

BOYD VEENKANT,

Plaintiff,

vs.

No.101C15

ROBERT WESLER, owner of Stoney's
Ford Sales, Inc., and
CHARLES (CHUCK) MARLOW, Sales
Manager,
Defendants.

Submitted January 5, 1981.

District Court Judge Buhl, handed
down a Court Order at first hearing cal-
led, and one the Orders was, all of
Stoney's Ford Sales, Inc. , Board of
Directors had to be added to a Amended
Complaint, including other demands by
a set date. This Court Order was fully

complied to.

The Summons and Complaints were issued to the District Court to be served.

District Court Judge Buhl, stopped the Summons and Complaint to be served upon Stoney's Ford Sales, Inc., board of director, Roland Wesler.

This comes under Pub. Law 90-284, a Civil rights act, "§ 245. Federally protected activities. "(2)"(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

"(c) Nothing in this section shall be construed so as to deter any law enforcement officer from lawfully carrying out the duties of his office; and no law enforcement officer and etc., or lawfully enforcing ordinances and laws of the United States, any of the several States,

3 No. 101C15
or any political subdivision of a State.

Then when the next hearing was called, Plaintiff, Boyd Veenkant, instructed District Court Judge ,William C. Buhl, that Boyd Veenkant would no longer argue his Court case before Judge Buhl, for refusing to allow Roland Wester's, Summons and Complaint to be served. That some time after Judge Buhl handed down the Court Order, Roland, Robert, & Susan Wesler's fled the State of Michigan. That the hearing was called and Roland Wesler wasn't even served.

That Breaching a Sales Contract is a State of Michigan statute, which covered the Defendants. That Judge Buhl, in acting under color of any statute and subjecting this Plaintiff to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.

4 NO. 101015
-red in an action at law, suit in equity,
or other proper proceeding for redress.

Therefore Plaintiff need not pursue his state remedies and instituted a Civil Rights Act of 1871 (42 USCS § 1983), in the U.S. District Court for Western Michigan on June 9, 1981.

"To maintain an action under (42 USC) 1983, it is not necessary to allege or prove that the defendants intended to deprive Plaintiff of his Constitutional rights or that they acted willfully, purposely, or in furtherance of a conspiracy...it is sufficient to establish that the deprivation...was the natural consequences of Defendants acting under the color of law..." Ethridge v. Rhodes, DC Ohio 268 F Supp 83 (1967), Whirl v. Kern, CA 5 Texas 407 F 2d 781 (1968), & Ury v. Santee, DC ILL, (1969). This the Plaintiff established that the deprivation

5 No.101C15
... was the natural consequences of Defendants acting under the color of law..."

Affirmed.

The Records prove this.

B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN, S.D.
No. K81-145 CA 4

BOYD VEENKANT, In Pro Per.,

Plaintiff,

VS.

ROBERT WESLER, SUSAN WESLER, GEORGE
R. DOMBROWSKI, ROLAND WESLER,
CHARLES MARLOW, WILLIAM C. BUHL,

Defendants.

Filed on June 9, 1981

Before

BENJAMIN F. GIBSON

A hearing was called and Plaintiff,
Boyd Veenkant applied his fifth amend-
ment to the case. The fifth amendment to
the Federal Constitution provides, in
part, that "no person shall be ** depriv-
ed of life, liberty, or property, with-
out due process of law; nor shall priva-
te property be taken for public use, wi-
thout due process of law." Plaintiff

B K81-145 CA4
also applied the fourteenth amendment

which states- A similar injunction is incorporated into the fourteenth amendment: "no State shall *** deprive any person of life, liberty, or property, without due process of law."

This Plaintiff applied the fifth & fourteenth amendments, to get "Due process... A law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.(16 Am Jur 2d Sec. 546)

Yes, U.S. Judge Benjamin F. Gibson is a "Law enforcement officer" under Pub. Law 90-284 "(c) and etc., or lawfully enforcing ordinances and laws of the United States, any of the several States, or any political subdivision of a State. and etc.

Breach of Sales Contract is a State of Michigan statute, Pub. Law 90-284

B K81-145 CA4
is a Civil Rights Act. Breach of Sales
Contract is a Civil Rights Act also.

This Court case was filed under five
Civil Rights Act's, Breach of Sales Cont-
racts, (USC 42) §§ 1983, 85(3), 86, & 88.

"A claim under the civil rights act
expressly gives the District Court Juri-
sdiction, no matter how imperfectly the
claim is stated." Harmon v. Superior Ct
of the State of California, 307 F 2d 79
6, CA 9 (1962).

That each and every named Defendant
falls within the meaning of "PERSON",
as used in statutory or constitutional
provision, in U.S. CODE, Title 42, Sec-
tion 1983.

That U.S. Judge Gibson, violated to
carry out his duties of his office and
or lawfully enforcing statutes and laws
of the State of Michigan, and the Unit-
ed States. But instead drafted up a

B K81-145 CA4
intentional deception Opinion to cause
this Petitioner to give up property or
some lawful right. Never once stated
this Petitioner had applied USCS 42, § 19
88 to this court case.

Affirmed

The Records prove this.

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

BOYD & JESSIE VEENKANT, In Pro Per.)	No. 8-
(husband & wife)	2-1584
Plaintiff-Appellants,	FRCP R-
	le 55(b)
V.	Judgme-
	nt by D-
ROBERT WESLER, SUSAN WESLER,	efault
GEORGE R. DOMBROWSKI, ROLAND	Claim f-
WESLER, CHARLES "CHUCK" MARLOW,	or a sum
WILLIAM C. BUHL,	certain.
Defendants-Appellees.	
	<u>AFFIDAVIT</u>

NOW COMES Plaintiff-Appellants, In Pro Per., under FRCP Rule 55(b), is asking by 'Affidavit' for a Judgment by Default and for a claim , for a sum certain and here stated.

Complaint damages asked.....\$10,000.00
 Plus punitive and compensatory
 damages asked.....\$10,000.00

Court costs:

Services Fee's.....	177.40
Court filing fee's.....	150.00

C

No. 82-1584

Transcript cost..... 38.00

U.S. postage covering mail.. 58.00

Pictures taken of the two
vehicles..... 23.59

Photo copies made & supplies.
..... 822.79

Other cost paid out.....111.50

\$21,381.96

Attorney fee's allowed under
U.S. Code, Title 42, Sec. 1983
is set by the Court, times
74 days.....

Total..

Dated: February 28, 1983.

Jane K. Morgan

NOTARY PUBLIC

Dated: This 28th day of Feb. 1983.

My Comm. Exp. December 23, 1984.

Boyd Veenkant, In P-
ro Per.,

By: Boyd Veenkant

P.O. BOX 115

Allegan, Mi.

49010-0115

(616)673-4400

D

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

The U.S.District Court OPINION and
ORDER was Filed on Aug.2,1982.

The Plaintiff-Appellant filed his
"BRIEF" within the require time with
U.S. Court of Appeals, Sixth Circuit.

That Plaintiff-Appellant asked for
"Oral Argument Requested" upon his Brief

The Plaintiff-Appellant filed his
"APPENDIX" with the U.S. Court of Appea-
ls on or about Dec.15, 1982.

NOTICE : The Defendant-Appellees
under FRCP Rule 55. Default (a) Entry.
When a party against whom a judgment for
affirmative relief is sought has failed
to plead or otherwise defend as provided
by these rules and that fact is made to
appear by affidavit or otherwise, the
clerk shall enter his default.

(b) Judgment. Judgment by default may

D

No. 82-1584

be entered as follows:

(1) By the Clerk. When the plaintiff's claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the clerk upon request of the plaintiff and upon affidavit of the amount due shall enter judgment for that amount and costs against the defendant, if he has been defaulted for failure to appear and if he is not an infant or incompetent person,

Instead of the Clerk entering a default for failure to appear, after the Plaintiff-Appellant filed his FRCP Rule 55(b) Judgment by Default Claim for a sum certain AFFIDAVIT. Dated February 28, 1983. Here is a copy of a ORDER Filed on March 28, 1983 by John P. Hehman, Clerk.

No. 82-1584

UNITED STATES COURT OF APPEALS

D - 41.

D

No. 82-1584

FOR THE SIXTH CIRCUIT

BOYD AND JESSIE VEENKANT,

Plaintiffs-Appellants

V.

ROBERT WESLER, SUSAN WESLER,
GEORGE R. DOMBROWSKI, ROLAND
WESLER, CHARLES "CHUCK" MARLOW,
AND WILLIAM C. BUHL,

Defendants-Appellees

} Filed
} Mar. 28,
} 1983
} John P.
} Hehman,
} Clerk.

} ORDER

BEFORE: KENNY and JONES, Circuit Judges;
and GILMORE, District Judge*

This appeal has been referred to a panel of the Court pursuant to Rule 9(a), Rules of the Sixth Circuit. After examination of the record and plaintiffs' brief, this panel agrees unanimously that oral argument is not needed. Rule 34(a), Federal Rules of Appellate Procedure.

Plaintiffs appeal the District court order entered August 2, 1982 dismissing their civil rights complaint. Having carefully examined the district court record and plaintiffs' brief, this

D

No.82-1584

Court concludes the district court did not err in its disposition of this case.

Accordingly, for the reasons stated in the district court memorandum entered August 2, 1982, the order of the district court is hereby affirmed. Rule 9(d)(2), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

John P. Hehman/
Clerk

* The Honorable Horace W. Gilmore, U.S. District Judge for the Eastern District of Michigan, sitting by designation.

No. 82-1584

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BOYD AND JESSIE VEENKANT,)	Filed
)	May 3, 19
Plaintiffs-Appellants,)	83
)	John P.
V.)	HEHMAN,
)	Clerk
ROBERT WESLER, SUSAN WESLER,)	
GEORGE R. DOMBROWSKI, ROLAND)	
WESLER, CHARLES "CHUCK" MARLOW,)	<u>ORDER</u>
AND WILLIAM C. BUHL,)	
)	
Defendants-Appellees)	

BEFORE: KENNY and JONES, Circuit Judges;
and GILMORE, District Judge *

Upon consideration of plaintiffs' motion for reconsideration which was filed on April 6, 1983, and having carefully reexamined the record,

This Court finds it misapprehended no questions of law or fact in its order entered March 28, 1983

It is, therefore, ORDERED that the motion for reconsideration be and it hereby is, denied. E-44

ENTERED BY ORDER OF THE COURT

John P. Kehman/ok

Clerk

* The Honorable Horace W. Gilmore, U.S.
District Judge for the Eastern District
of Michigan, sitting by designation.

REASONS FOR GRANTING THE DEFAULT.

1. This Plaintiff and or Plaintiff-Appellants, per se, has had no education in law. This case was not only a Civil Rights Act, USC § 1988 was applied, but the District Court violated this Plaintiff's Civil Rights in refusing him 'Due Process of law'. The Defendants appeared at a hearing called in District Court and thereafter 'defaulted' and has failed to plead or otherwise defend.

Plaintiff-Appellants filed his claim against the Defendant for a sum certain.